# A LETTER TO A BISHOP

Concerning the

## Present Settlement,

AND THE

# NEW OATHS.

The Third Edition.

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Comber (Thomas), dean of Durham.

A

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*My Lord,*

I Have consider'd the Matter you mentioned to me with all the care and attention that my other necessary Affairs would allow, and I account it indeed, as your Lordship does, a great unhappiness, that any Protestants are dissatisfied with our present Settlement, but especially, that some of those Bishops are of this number, who were so lately made Confessours for the Protestant Religion.

It is not without great Injustice, that some of those Gentlemen, who have put Pen to Paper in defence of the *New Oaths*, take the liberty of charging these Bishops as if their present dissatisfactions did spring from Pride, Interest, Humour, Obstinacy, or a *Fear of having*

*ving their Wings clipt in this New Settlement:* I am confident that they, which charge any of theſe things upon thoſe *Venerable* and *Excellent Men* do not know *Them*, and they write as if they had never heard any thing of *Them* before this unhappy Rupture. Undoubtedly They who would go to a Jayl, and were ready to be ruin'd in their Eſtates, and to ſacrifice themſelves for the two beſt things in the World, the *Church of England*, and the *Laws of the Land*, do deſerve no ſuch Character. I am perſuaded, that what their Lordſhips, and many others with them, do in this reſpect, proceeds purely from Conſcience; and that if Themſelves were ſo happy, or others for them, to ſatisfie their Conſciences about the Preſent Settlement, and the New Oaths, They would as heartily comply with the Preſent Settlement, and act in it, as any other of their Majeſties Subjects.

But tho', my Lord, this is my Judgment concerning their Diſſatisfactions, that they proceed from Conſcience, yet I am perſuaded that there are Miſapprehenſions and Miſtakes, which, if rectifi'd, would make an alteration in their Opinions; that too great ſtreſs is laid upon ſome things, that do not deſerve it, and too little upon others, that are of much greater moment. I ſay this, with Reverence of them that are ſo much my Superiors, not taking upon me to Judge what the Reaſons of their Diſſatisfaction may be: but for thoſe of my own rank, whom I am more converſant with, I may pretend to know moſt of their Reaſons; and, as far as I can recollect, all their Doubts and Diſſatisfactions may be reduced into a very narrow Compaſs.

Your Lordſhip requir'd me to contract my thoughts into as ſmall a Diſcourſe as I could; I will not forget your

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your Lordſhip's Command: I think that all may be reduced to theſe two Points; One is, The *Scruple* concerning the Oaths of Allegiance and Supremacy taken to King *James* the Second: And the *Other*, about the New Oaths to their *Preſent Majeſties*, requir'd of all perſons who ſit in Parliament, or are in any Office Civil or Military, or in Eccleſiaſtical Preferments. Now if I could prove, that the Oaths to King *James* have ceaſed to oblige us, and that the New Oaths to King *William* and Queen *Mary* may be lawfully taken; I preſume that this will be allow'd ſufficient to remove the Scruples, and will give ſatisfaction to ſuch as will do me the right not to carp at, or be angry at any ſingle reaſon, but to conſider them all together.

In relation to Oaths in general, I need not ſpend much time to enquire how they may ceaſe to oblige thoſe who have taken them; that they ceaſe to bind when the Government of that Perſon to whom they were taken is at an end, I think no body will deny. This is all I will deſire to be granted me concerning the Oaths to King *James*.

And in relation to Government, That may be ſaid to ceaſe ſeveral ways; as when the Perſon entruſted with it dies; or when He will govern no longer, and ſo withdraws himſelf from it voluntarily; or when He is conquered, and forced thereby to withdraw himſelf involuntarily, and can give no longer Protection to thoſe who were his Liege Subjects.

Theſe are the chief Inſtances, whereby the Government of any Particular Perſon may ceaſe.

There is no doubt concerning the firſt of them, but all our preſent diſpute will be about the reſt; that is, whether any one, or all of them are applicable to the Government of King *James*; whether He would go-

vern no longer; and whether He did withdraw himſelf from, and leave his Government voluntarily; or laſtly, whether He was driven out of it by a fair and juſt Conqueſt.

I think, my Lord, that the Proof of any one of theſe three Inſtances were ſufficient to ſatisfie all honeſt Men, that the Obligation of the Oaths to the late King *James* is ſuperſeded by it: and I believe ſuch a Proof to be no difficult task.

For to begin with the firſt of them; The Oaths of Allegiance and Supremacy were taken to King *James* as King, and oblige no further nor longer than He continued to be King, that is, to govern as King of *England*: Now that the late King ceaſed to govern as King of *England* a good while before the Prince of *Orange* either landed here, or, I believe, thought of coming hither, may I think be made plain by theſe following Conſiderations.

I need not examine curiouſly here, my Lord, into the Nature of Government, and the Diverſities of it; my buſineſs only is to have it agreed what ſort of Government our *Engliſh* One is.

That it is a Mixt ſort of Government is plain from our Conſtitution, whereby every One of the Three Eſtates in Parliament are neceſſary to the making any Laws whatever for the Nation as well as the King's *Le Roy le veult*.

It is the King, the Lords Spiritual and Temporal, and the Commons in Parliament aſſembled, that make Laws; and not the King alone, or the Lords alone, or the Commons alone; nor the King himſelf with any one or two of the States of Parliament.

And

And as the King cannot here make Laws alone for the Nation, ſo He is, according to our Conſtitution, obliged by a moſt Solemn Oath and Promiſe, at his Coronation, to Govern according to the Laws made by Lawful Authority. This I am aſſured is the Eſſence of a King of *England*, that He is One ſitting upon the Throne, and Governing, not by his own Will, or his own Edicts, but by the known Laws of the Land.

Theſe being, my Lord, the Two main Hinges of our Government, that all the Laws the People of *England* can be governed by are made in Parliament, and that the Government it ſelf be adminiſtred according to theſe Laws; if either the King alone, or any one, or both, of the Houſes of Parliament, take upon them to make Laws, the One Hinge is broken off; and if the Government it ſelf be not adminiſtered, that is, if the King do not govern according to the Laws, the Other Hinge is broken off alſo, and then the Conſtitution is at an end, and our Legal Government does ceaſe, whatever new, or better one be pretended to be ſet over us inſtead of it.

Having premiſed this ſtate of our Government and Conſtitution, I think it will not be deny'd me, that whereever there has been a direct contravention to either of thoſe fundamental Supports of our Government, it hath cauſed a ſubverſion of the Government it ſelf.

I muſt now apply what I can of this to the late King, and ſee whether One or Both of thoſe Fundamental Supports of our *Engliſh* Government were not ſorely ſhook or ſubverted by Him.

As to the Firſt, That all the Laws the People of *England* are governed with be made in Parliament, it is as plain

plain as the Sun at Noon-day, that this was ſubverted by the late King: Notwithſtanding at his firſt taking his Chair at the Council-board, upon his Brother's Death, He declar'd He would Govern by Law, and that the Laws of the Land had made the King as great as He deſir'd to be; yet He did certainly change his Mind within leſs than ſix Months, and ſet up for an Arbitrary Power over the Laws, by diſpenſing with them.

Now that Diſpenſing with the Laws of the Land is to all intents and purpoſes the Making of Laws by his own Authority without the Concurrence of Parliament, is what your Lordſhip heard ſo learnedly and ſo clearly proved at the *Seven Biſhops* Tryal by your Councel, and what may be ſhewn in a very few words. I will inſtance only in the Recuſants, who were not only made uncapable by the Laws of the Realm of Civil and Military Commands, but of keeping their Conventicles here: This was the Recuſants Condition by the Laws, and they could not be deliver'd out of this Condition but by a Law which ſhould annul the former Laws againſt them, and make them as capable of Places of Truſt as any of the Members of the Church of *England*: Now did not the late King by his Diſpenſing Power and his Sole Authority make ſuch a Law for them? Did He not annul all the Laws in force againſt them, and qualifie the Recuſants and put them into Places of Truſt? What could any Law made by the true Legiſlative Authority, a King with his Parliament, have done more for them, than the King himſelf without a Parliaments Concurrence did?

I think, my Lord, this Inſtance ſufficient to ſhew, that the Diſpenſing Power which King *James* uſed was to all intents and purpoſes a Legiſlative Power; ſince,

as

as I have prov'd it, no Law could have done more for any perſons aggrieved, than this Power; and therefore that This was a direct Subverſion of our Government, the chief Fundamental of which was, that the Laws ſhould be made by the King and Parliament. And if our Conſtitution was ſubverted, I cannot ſee how his Legal Kingly Power was not ſubverted with it, nor that our Oaths to Him were not at an end, when the Conſtitution we ſwore to was diſſolved, and He had of himſelf diveſted himſelf of, and laid aſide, that Authority, which we only ſwore to ſubmit to and defend.

If your Lordſhip ſhould ask me when this Diſſolution of Government happen'd, I think I ſhould be able to fix the Time: Your Lordſhip does remember, that upon the Duke of *Monmouth*'s Rebellion, the late King gave Commiſſions to ſeveral Popiſh Officers; this was the Forerunner of it: but when upon the ſitting down of the Parliament in *October* afterwards, He not only in his Speech told his Parliament, that He had done it, but that He was reſolved to ſtand by it, and thereupon diſmiſt his Parliament for their oppoſition to it; He finiſht his Deſign, and our Ruin; and from that Moment, I look upon the *Engliſh* Conſtitution to be altered, and muſt lay my finger upon this as the compleat Subverſion of our Legal Government.

I know ſome will be offended at my urging this Practice of a Diſpenſing Power ſo far as to make it a Subverſion of our Government, and will not endure to hear, that a King of *England* can forfeit or fall from his Authority; I am very ready, my Lord, to beg theſe Gentlemens Pardon, if they would but allow me one ſatisfactory Argument to prove, that a Diſpenſing Power is not of that fatal conſequence to the Legal Power

*Non est Rex, ubi dominatur voluntas, & non Lex.* Bracton.

Power of Legislature that I have suppos'd it to be: but till that is proved to me, I think I should deserve very great blame, if I did not make the Dispensing Power to be what in reality it is, a Subversion of our Constitution.

And for a Forfeiture, I would only know, why such a thing must be lookt upon as monstrous, intolerable, nay, impossible in *England*? Suppose the late King, (besides his letting Papists into all Places of Trust, against the plainest and the severest Laws, and his subverting all the Laws made in defence of the Church and Government of *England*, by laying them aside for the Dissenters sakes) had been pleased to impose what Taxes He pleased upon his Subjects, and had levyed them either by his own Army, or by Dragoons borrow'd from *France*; and had for the future annull'd all the Laws made in Defence of the Church of *England*, or the Rights and Properties of the Subject; and had laid every other Law aside by his Royal Edicts *which all Men should obey without reserve*, as much as he had done those made for the security of the Church of *England* by his **Declaration**; I would only know by what name to call such Practices, and whether our business in such a case is only with patience to suffer a King wholly to alter the frame of the Government, and to make Bondslaves of those who were his Freeborn-Subjects, born to the Protection and Priviledges of Laws.

This is, my Lord, no wild or unreasonable Supposition, I am afraid, that we should have been able, had the late King continued but a Year or two longer upon the Throne, not to have been put to the trouble of making these Suppositals, but to have instanced in them, as we now do in the Declaration for Liberty of Conscience.

I must

One would think that ſuch Practices, which ſeem to be the plaineſt Inſtances of the Subverſion of a Government, ſhould be ſo moſt eſpecially of his ſhare in it, who was guilty of them; and he that will not allow any forfeiture or deſtruction of a King's ſhare in a Government by ſuch a ſubverſion of it, will find it hard to maintain, That a Government ſubſiſts, tho' it be deſtroy'd, and that a King hath not deſtroy'd his own Power, tho' he hath quite ruin'd that Government in which and by which He enjoy'd it.

My Lord, I am not willing to aggravate the Faults of any, nor to make the Conſequences of them look more ghaſtly than they are of themſelves, much leſs would I be guilty of ſuch a thing towards Crowned Heads; however I am not able to alter the appearance of this, That the Publick Safety and Happineſs can never be ſecured in any Conſtitution whatever, and that the Ends of Governments are quite loſt, if that Perſon who ſubverts any particular Government, do not at the very ſame time deſtroy or forfeit, let Men call it what they pleaſe, his own ſhare in it.

To this Argument from the *Diſpenſing Power*, it may be anſwer'd, That the Practice of it, as to the Inſtances which I have been able to mention, does not amount to a Subverſion of our Government if thoſe Laws were unjuſt and void in themſelves, which the King diſpenſed with. As for the Laws about Offices Civil and Military, from which Papiſts were excluded, They ſay the *Obſervator* has prov'd it often enough, that they were null and void, ſince no Laws can preclude a King from making uſe of his Subjects. And for all the Laws againſt Conventicles, the Author of a Paper, publiſh'd very lately and licens'd too, call'd, *The Caſe of the Proteſtant Diſſenters Repreſented and Argued*, *p.* 2. tells us

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very roundly, that they are void alſo, and that the Diſſenters *muſt be excuſed if* they *have in their Practice expreſt leſs Reverence for Laws made by no Authority received either from God or Man:* and complains, that They *are injuriouſly reflected on, when it is imputed to them, that* They *have, by the uſe of their Liberty, acknowledg'd an Illegal Diſpenſing Power. We have,* ſays he, *done no other thing herein, than we did when no Diſpenſation was given or pretended, in Conſcience of Duty to Him that gave us breath. Nor did therefore practiſe otherwiſe, becauſe we thought thoſe Laws diſpens'd with,* but becauſe we thought them not Laws.

So that the reſult is, that the Late King ought not to be accus'd of Subverting the Government, by ſetting aſide thoſe Laws which were void of themſelves.

But I need not trouble your Lordſhip with any Anſwer to ſuch an Objection, ſince I know your Lordſhip, nor any of thoſe for whoſe ſakes I write this, do not believe a word of what theſe two do ſo dogmatically, and yet moſt unjuſtly aſſert. I ſuppoſe the *Obſervator* will not be fond of ſtanding by his Aſſertions, and that the Author of the *Diſſenters Caſe* ought to have ſhewn ſome more Manners, than to caſt ſuch ſaucy and bold Slanders upon our Parliaments, while one is actually ſitting. It is ſufficient for my vindication, that the preſent Parliament believes thoſe Laws which the Late King dipenſed with, not only to be true, but neceſſary Laws, whatever theſe two Gentlemen with ſo much confidence have ſaid to the contrary.

I will paſs now to the other Fundamental of our Conſtitution, which is, that the Government be adminiſtred according to the Laws of the Land. It is equally evident, that this Fundamental was ſubverted by the Late King, as well as the former; for ſo far was he

he from governing according to Law, that his whole Government, from the time of his claiming his Diſpenſing Power, ſeems to be a downright oppoſition to the Laws. He was pleas'd to make Privy-Counſellors againſt Law, Judges againſt Law, Sheriffs againſt Law, Lord Lieutenants and their Deputies againſt Law, and Juſtices againſt Law; to have Men hang'd up for deſerting in time of Peace againſt Law; to have Popiſh Chappels, Jeſuits Schools, and the Conventicles, open'd againſt Law: In a word, his Reſolution, as well as his Practice, did ſhew, that the Laws were not intended to be made the Rule of his Government. This is the True State of King *James*'s Government, and This is inconſiſtent with that Eſſential of our Conſtitution, of Governing according to Law.

Now if, my Lord, it be the Eſſence and the Definition of the King in our Government, that He is One who governs the People committed to his charge according to Law, how can we reckon in this Rank the late King from the time He was ſo reſolutely ſet upon governing againgſt Law? In our Conſtitution, He that does not govern by Law, does not govern at all; and He that does not, nor will not govern at all, cannot nor will not be King; but ceaſes to be ſuch from the time He makes his Own Will, or his Evil Counſellors Advices, the Rule of his Government, and not the Laws.

I had almoſt forgot another Inſtance of the late King's Diſpenſing Power, and that was his laying aſide thoſe Oaths of Allegiance and Supremacy, which yet are the grounds of moſt Mens ſcruples. How can this be lookt upon otherwiſe than as a Condemnation of the Oaths as unlawful? and if they were ſo, we have the late King's Judgment alſo againſt the Obligation of

theſe two Oaths; for if He to whom the Oaths were taken, thought them unlawful, then are they certainly fallen as to Him. This is, if a Perſon who had a Bond from another, which he lookt upon as unjuſt, ſhould give it him up, and conſent to the cancelling of it.

So that, my Lord, if the breaking *One* of our Fundamentals, by not governing according to Law, do not make ſuch a Perſon ceaſe being King, yet that breach of the *Other*, the aſſuming a Legiſlative Power, which quite alters and tears up the whole Frame of our Conſtitution, cannot do leſs than ſhake his Right to the Government, who was ſo ſolicitous to deſtroy it. He that will not govern as King of *England*, will not govern at all; and if He continue in this humour, as the late King did, from the time of aſſuming his Arbitrary Diſpenſing Power, how can he be longer King? and if He ceaſed to be King by his leaving off to govern, the Oaths to Him were as much at an end, as if He had ceaſed at the ſame time to live. And as the Oaths could certainly have no further Obligation to Him, when He had diveſted himſelf of his Kingly Power, by deſtroying that very Government whereby, and in which He was King, ſo did the *Declaration about taking up Arms upon no pretence againſt the King* fall with them. That Declaration every one will grant me, was made for the preſervation of the Government, which the late King took ſuch indefatigable care to deſtroy.

See the Laws of K. *Edw.* the Confeſſor, *Sect.* 17. *Rex autem ad hoc eſt Conſtitutus, ut Regnum terrenum & populum Domini —— & regat, & ab injurioſis defendat, — quod niſi fecerit, nec nomen Regis in eo conſtabit.*

That Declaration was never intended for the deſtruction and ruin of our Government; and yet it muſt be the ruin of the Government, if it puts it into a King's hands, to turn Tyrant without controul, and to ſubvert our Legal Conſtitution, and undo a Nation without gainſaying; and therefore that Declaration was intend-

intended for the ſecurity of, and was to be made to, a King governing by Law, and therefore did not concern the late King from the hour He ſet up his own Will againſt the Laws, and his own Power againſt that of the whole Kingdom in Parliament.

This, my Lord, is the firſt Caſe whereby a King ceaſes to Govern, or to be a King for they are ſynonymous. I think by the Inſtances I have produc'd, and the Arguments I have offered, it may reaſonably appear that the late King had ſubverted our Government, and deſtroyed his own ſhare of enjoying the Kingly Authority in it, and thereby ceaſed to be King: and if once He ceaſed to be ſuch, nó body will deny that the Obligation of all Oaths to Him as King did expire at the ſame time.

But ſince, my Lord, we have commonly receiv'd a very tranſcendent Notion of our Monarchy, which will not allow the Deſtructive Practices I have now mentioned, nor worſe than theſe, to make a forfeiture of the Kingly Power here, or to be the Subverſion of our Monarchs Rights, whatever they be of the Peoples, I ſhall wave the inſiſting further upon this Head.

Let it then be ſuppoſed for that Opinion's ſake, that the King does not deſtroy his own Right, or the Exerciſe of his Royal Authority, tho' He does deſtroy our Conſtitution by ruling directly againſt the Laws, and making Laws by his own Power. The next Enquiry is, Whether a King can lay down his Government, and diveſt himſelf of all Authority, and whether King *James*, did not voluntarily leave his Government by withdrawing himſelf out of the Kingdom, and making no proviſion for the Publick?

No body will diſpute with me, that a King cannot lay down his Government; The Caſe of the Emperour

*Charles*

*Charles* the Fifth, and, which comes nearer our own concern, that of the Queen *Christian* of *Sweden*, are Instances of it, beyond opposition. And I think it would be as little disputed, that the late King *James* did by a voluntary withdrawing himself out of the Kingdom recede as fully from his Government, if these few things were fairly consider'd.

*First*, That he was at that time of withdrawing himself, actually upon a Treaty with the Prince of *Orange*, and had Three Lords Commissioners with Him, who gave the King such an account of their Negotiation, in a Letter brought to Him the very night He withdrew, that He himself could not but give this Just Character of the *Prince*'s Proposals, as to say of them, That they were fairer than he could or did expect; so that the King had no reason then to be afraid of his Person, but might have continued with security in his Palace, and taken care of the Government, and called such a Parliament as both Himself and the Prince desired, which might have quietly and effectually setled this Nation, and prevented all ill consequences to his Person or to his Affairs.

*Secondly*, That it was the Design of the Popish Party to perswade him to withdraw himself; their End in it being to put us thereby into Confusion. This they did not boggle to speak out; the Lord *Dover* and Mr. *Brent* made no secret of it, but said it more than once, that the King would withdraw himself out of the Kingdom above a Fortnight before He did it. Nor were these Two the only Persons in this Secret and of this Opinion. In the *Letter* that was sent down to the King, while He was at *Salisbury* with his Army, and can be produced, He was told, that it was the Unanimous Advice of all the Catholicks here at *London*,

*don*, that He ſhould come back from thence, and withdraw Himſelf out of the Kingdom, and leave us in Confuſion, aſſuring Him, that within Two Years or leſs we ſhould be in ſuch Confuſions, that He might return, and *have his Ends of us*, as their phraſe was. Now if the King was pleas'd to take ſuch deſperate Counſellors Advice, and thereupon to withdraw Himſelf out of the Kingdom, and command his Army to be let looſe upon the People by disbanding them at ſuch a Juncture, I can ſee nothing herein to make his going away involuntary.

If then his withdrawing Himſelf out of the Kingdom was done out of deſign and willingly, He did as effectually diveſt Himſelf *pro tempore* of the Government, as if He had left a formal Reſignation of the Kingdom behind him, atteſted by all his Privy-Counſellors hands; and our Allegiance to him did fall with it, and our Oaths did no more oblige now, than the Oaths taken to *Chriſtina* Queen of *Sweden* did, when ſhe reſign'd, and went to *Rome*; ſince in both Caſes the Government of theſe Two Princes was equally at an end, but our condition the worſe of the two, ſince Queen *Chriſtina* left the Government to her Kinſman, but our King left us to the Rabble, and his disbanded Army.

There is one Objection, my Lord, which I have often heard made againſt this, that tho' the late King, out of a groundleſs fear, or for any other reaſon or deſign whatſoever, did voluntarily withdraw himſelf out of the Kingdom, yet this ought not to be accounted a compleat Ceſſion or Dereliction of the Government, unleſs it could be proved withal, that there was not *Animus revertendi*, that he never intended to return to us more.

But

But this Objection is of no weight in the Case of a Kingdom. For, whether the King intended to return back any more, or no, signifies nothing herein, since the withdrawing Himself, and making no manner of Provision for the Government and Safety of the Nation, did actually put an end to his Government at least for that time; and our Constitution can no more than any other Government in the World be left in such a Condition, or can be said to subsist in such a Case; and it is against all the sense and reason of Mankind to think that any Nation either will or ought to continue without a settlement till the Governor, who hath left it unawares and in confusion, will be pleased to think of returning. Does any one believe, that if the late King (when He withdrew) intended not to return these ten Years, that we of this Nation should have continued in the Anarchy He left us, and have no Government till He would come back? Among all our Discontents, I hope none can be found so weak to imagine this; and the same reason I am sure holds as fully against his leaving us one Month as ten Years. So that whether the late King intended to return or no when He went away, He ceased to govern us; and the very same moment He was pleas'd to leave off governing, by withdrawing himself, He cancell'd the Obligation of all Oaths and Allegiance to Him as King.

But beyond all this, I can grant, my Lord that the late King, from the very time of his withdrawing, nay, from the very minute of resolving to do it, had *Animum revertendi*, did intend to return to us. I do believe, that those Papists which advised him to withdraw, did design that He should return; and that He himself did concur in both resolutions. But what was He to return for? Was it not *to have his Ends of us?*

What

What thoſe Ends are, I ſuppoſe no Proteſtant needs be told, none of thoſe who make this Objection, can doubt of it ſince his late coming to *Ireland*. Should we have waited then till the late King could return with his borrowed Forces from *France*, to deſtroy our Proteſtant eſtabliſht Religion, and our Civil Conſtitution, becauſe He had *Animum revertendi*; and therefore not have ſetled and provided for the Nations ſafety? Was the King's Government not at an end, tho' He had withdrawn himſelf from us, and left no Proviſion, becauſe He was reſolved to come back to deſtroy our Religion, and to be reveng'd of the Nation? My Lord I think ſuch an *Animus revertendi* to be ſo far from making the Dereliction lame and void, that it is as good a Proof of making the late King's Action a compleat Derelicti-on, as if He had left it atteſted under his Hand and Great Seal, that He would never return to us, or this Government more.

For my own part, I am perſuaded, that the late King withdrew himſelf voluntarily, and by the Advice of Popiſh Counſels out of this Kingdom; I am perſuaded that He went off with an *Animus revertendi*; and I am as fully perſuaded that the Intention of his returning was to ruin our Properties and Laws, and to deſtroy our Reformed Religion or, to put it into the Popiſh Dialect, *to have his Ends of us*: From the firſt of theſe; to wit his withdrawing voluntarily, I am ſatisfied that the late King *James*'s Government and our Allegiance to Him are fallen; and the laſt of them, the Intention of his Return, will I hope ſatisfie all others as much as it has done me, that we have no tempting reaſons either to wait for the late King's Return, or to accept of his Government, if He ſhould get back.



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I must now, my Lord, go on to another Consideration, for there are some who are little satisfied, notwithstanding all the Evidence that can be offered, about the King's voluntary withdrawing himself, as they were at his misgovernment, being urged as the destruction of his Royal Dignity: And tho' these Gentlemen have not agreed with me hitherto, yet in this last Consideration they must concur with me; and that is, That the late King was conquered by the Prince of *Orange*, and driven away involuntarily at least: So that if by this Conquest He was put out of the condition of Governing and Protecting us, we were as much depriv'd of the liberty of paying Obedience to him, who was now driven from us.

The Business to be examin'd here is, What sort of a Conquest this was, and whether it was a just one such a one, as by reason of which the People of *England* might lawfully submit to the Conquerour of their King?

To begin with the Expedition of his (then) Highness the Prince of *Orange*, there appears to be all the Reasons in it that could justifie such an Invasion, or make a Conquest just and good. The Prince was no Subject of *England*, but a Soveregin Prince who made this Descent into our Nation against our late King in defence of his own Rights, as well as of ours: and therefore his Action could upon no account be stil'd a Rebellion.

But the Cause of his Expedition is above all other things to be enquired after, for that must be the chief thing that can justifie the Revolution here, and ought to be highly reasonable, and such as can give satisfaction to all wise and indifferent Men; since tho' the Prince

Prince of *Orange* were never ſo much a Sovereign Prince, yet if he had not a very juſtifiable Reaſon of coming hither with an Army, his Expedition had been altogether a moſt unaccountable Action, and his Conqueſt unjuſt.

Now to give all the ſatisfaction requiſite to this juſteſt Scruple, the Princes Reaſons for coming hither in that manner, appear to be as juſt and as good, as his Succeſs was great; and if ever one Prince's Invaſion of another Prince's Kingdom were to be juſtified, the Prince of *Orange*'s was. For, to inſtance in one or two of theſe Reaſons, He himſelf, as well as his Princeſs, had moſt undoubted Right to the Succeſſion of the Crown of *England*, and the Dominions belonging to it, after the death of the late King *James*. This Right was notoriouſly ſet aſide, or made wholly uſeleſs to Them, by the Arts and Counſels of thoſe Papiſts who were about the King and did influence him. The Impoſture of a pretended Prince of *Wales* was thought of, and pitcht upon as the moſt effectual Bar to either of Their Titles, and did ſet Them (as well as Her Royal Highneſs, the Princeſs *Ann* of *Denmark*) aſide, and deprive All Three together of their Rights of Succeſſion, and provide effectually againſt a Proteſtant Succeſſor, the only Perſon the People then in Power at Court were afraid of.

But to wave the Inſtance of the ſetting up a pretended Prince of *Wales* betwixt theſe Proteſtant Princes and their Right of Succeſſion, becauſe the Proof of that Impoſture has not been laid open as it might have been to the World, and therefore cannot ſo ſtrictly be inſiſted upon; tho' moſt people, even thoſe who are diſſatisfied about the preſent Settlement, are ſatisfied of the Impoſture: the Right of Succeſſion, which was in

the Two Royal Princeſſes, and the Prince of *Orange*, was made wholly uſeleſs to Them, by the late King's putting the Government of part of the Dominions of the Crown of *England* into ſuch hands, as would not deliver them up or ſubmit to any Proteſtant Succeſſor. *Ireland* is an evident proof of this, where all Offices Civil and Military, contrary to the Laws of the Land, were put into Popiſh Hands, and ſuch a Bigotted *Iriſh* Papiſt was made their Governour, as that whatever Rogueries or Violences the Papiſts ſhould be guilty of towards the *Britiſh* Proteſtants among them, they ſhould never need to fear being call'd to account, being certain that his own management of the Government, as well as his Religion, would keep him from ever delivering up *Ireland* to any Proteſtant, while He had the Sword in his hands, and ſuch a throughly Popiſh Army at his Command.

Now in this caſe when *Ireland* was wholly given up into ſuch hands, and *Scotland* was almoſt in the ſame condition, and *England* ready to be put into the ſame, it was high time for the Prince of *Orange* to aſſert his own and his Princeſſes Right; and it was moſt reaſonable for Him by all juſtifiable Ways and Means to prevent their being debarr'd their Right of Inheritance of theſe Kingdoms, by bringing the late King to reaſonable Terms, or by depriving Him of the power of doing Them or their Right any further Miſchief herein.

This therefore, together with the Prince's Concern for our Religion and our Laws, which were violated in ſo high a degree by the late King, and with which His own Right of Succeſſion was interwoven, was a moſt juſt Reaſon for the Prince of *Oranges* coming with an armed force; and if the King would rather put things

to

to the hazard of Battels, than the deciſion of a free and legal Parliament, no body elſe could help it: and if his Army would neither fight for, nor ſtand by him, but ſuffer Him to be driven out of his Dominions, it was becauſe He had taken ſufficient care to let all of them, as well as the reſt of the Nation know how very unjuſt the War will be on his part, and how very unreaſonable it would be for them, who were the greateſt part of them Proteſtants, to aſſiſt Him in depriving his Children of the Hereditary Rights of Succeſſion and ruining the Church of *England*, and the happy Conſtitution of our *Engliſh* Government. Such Conſiderations as theſe made the late King's Army ſo uſeleſs to Him, and the Prince's Victory ſo eaſie to Him, whoſe buſineſs was not to Conquer here, but to do Himſelf and His Princeſs Right, and to preſerve our Government in Church and State; which if He had tamely lookt on, and ſuffer'd to be deſtroy'd, His own Right would moſt infallibly have ſunk with them, being ſo entirely linkt with them.

Here ſome will be ready to call upon me, and tell me that if the Prince was a Conquerour, then all our Rights and our Poſſeſſions are in his hands, and at his diſpoſal; and that our condition is far from being mended, ſince we are by this Conqueſt in that ſtate which the late King was labouring to bring us to, ſubjected abſolutely in our Perſons and Fortunes to the Arbitrary Will of a Conquerour. But it is very eaſie to anſwer this fearful Suggeſtion, by ſhewing them, that the King alone was conquered, and not the Nation with him. The Prince in his Declaration had aſſured the Nation, that his only deſign of appearing in Arms here, was to ſecure his own and Their Rights, and He did thereupon conjure them to aſſiſt Him in ſo good and ſo juſt a De-

a Design; which the Nation did, either by not aiding the King, or by Rising up in several parts of the Kingdom for him: so that here was a True Contract betwixt the Prince of *Orange* and the Nation, which hath been faithfully observed, the Rights of the Nation being entirely preserv'd to them, and not one of them invaded, nor the least pretence to a Conquest over the Nation made by Him. Thus, my Lord, we see our Rights are secure, notwithstanding the late King lost his, by bringing upon himself the necessity of being driven out of his Dominions and conquer'd, rather than he would do the Prince and the Nation that Right which He was obliged to, by the Laws and by his Coronation Oath.

Now, since the late King did lose his Kingdom by these means and upon these accounts, and was put out of the capacity of either Governing or Protecting those who were his Subjects, it is become as impossible for us to perform Allegiance to Him, as it is for him to Govern us; and since the Prince and Princess of *Orange*, by reason of this Conquest of the King, and by Virtue partly of their own Hereditary Right, and partly of the Consent of the Nation assembled in Convention, are in Possession of the Crown of *England*, and do Protect and Govern the Nation according to the Laws of the Realm, and have taken the Coronation Oath, that they will always continue to do so; the only Question is, Whether our Allegiance in such a case is not transfer'd from the late King (who was justly conquered, who does not govern us, and can no further protect us) unto those Persons who are now invested with the Regal Power, and in possession of the Government, and do protect the Nation?

The

The Reſolution of this Caſe would have been very readily made by any of us, had Providence placed us upon the Continent, in thoſe Countries which have lately been, and now are like to be, the Seat of War, and not in an Iſland ſo happily ſecured from the ſudden Deſcent of Enemies. Had we lived in *Germany* or *Flanders* for example, we ſhould have learnt how far Allegiance is neceſſary, and when it may be transferr'd from the Prince conquered to the Conqueror. No prudent Man thinks the People of any Town in *Flanders* perjur'd, becauſe, notwithſtanding their former Oaths to their Hereditary Prince the King of *Spain*, the fortune of War neceſſitates them to take new Oaths of Allegiance to a Conqueror. And, I think Men ought to make the very ſame Judgment of things here, That ſince the Government of King *James* is at an end, the Oaths to him have no further force; and that ſince He was fairly conquered by that Prince, whom He was endeavouring to deprive of his Right of Succeſſion to the Crown of *England*, and is by that altogether incapacitated from governing and protecting us, our Allegiance either wholly ceaſes, or is ſuperſeded as to Him, and We may in our Circumſtances give ſecurity to the Government, and pay Allegiance for that Protection we enjoy from it.

This, my Lord is agreeable to the Laws and Practice of all Countries, to the Laws of our own Nation, to Reaſon, and, which is more, unto Scripture it ſelf. I need not trouble your Lordſhip much with ſhewing its agreement with the Laws of Nations, ſince almoſt every day's Practice doth give Inſtances of it; whereby People and Countries that were under their own Sovereign Princes and had taken Oaths of Fealty to Him, are by the Fortune of War made another Prince's Subjects,

jects, and may lawfully according to the Law of Nations transfer their Allegiance to their new Lord. The Reason of all this is founded upon the Nature and End of Government it self, upon that mutual Obligation which is supposed to be betwixt a Prince and his People, who upon his Power and his Promise of protecting them in their Lives and in their Properties, do engage to perform Allegiance, and to bear Faith to Him: now this stipulation does naturally fall, when such a Prince is no longer *Able* or no longer *Willing* to protect them, and the same Reason which obliged them to pay their Allegiance to that Prince, does direct them now to transfer it from Him who is by the Fortune of War disabled from affording Protection, to the Conquerour, who will engage to protect them, and does preserve them in their Persons and their Estates, and in all their ancient Legal Securities.

And as this cannot be denied to be the Practice and the Law of all Countries abroad, so the Laws and Customs of our own Kingdom do not only countenance such a transferring of Allegiance to a Conquerour, but do indempnifie the paying Allegiance to a meer King *de facto* who may be an usurper, and the defending Him in his Government: Thus in the Statute made the Eleventh Year of *Henry* VII. Chap 1. it is declared *to be against all Laws, Reason, and good Conscience, that Subjects going with their Sovereign Lord in Wars, attending upon Him in his person, or being in other places by his commandment within the Land or without, any thing should lose or forfeit for doing their Duty and Service of Allegiance; and it is enacted by the King, by the Advice and Assent of the Lords Spiritual and Temporal and the Commons in Parliament assembled, that from henceforth no manner of Person or Persons whatsoever He*

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*or They be, that attend upon the King, and Soveraign Lord of this Land* **for the time being,** *in his person, and do Him true and faithful service of Allegiance in the same, or be in other places by his command in his Wars within this Land or without: that for the said deed, and true* **duty of Allegiance,** *He or They be in no wise convict or attaint of High-Treason, ne of other Offences for that Cause,* **by Act of Parliament, or otherwise, by any Process of Law,** *whereby he, or any of them shall lose or forfeit Life, Lands, Tenements, Rents, Possessions, Hereditaments, Goods, Chattels, or any other thing: but to be for that deed or service utterly discharg'd of any Vexation, Trouble or Loss.*

This Law doth authorise any Subject to pay his Allegiance to the King in being; and does secure him against all Penalties for the same; and therefore reaches our Case, where there is not a bare Possession, but all the Right that Conquest can give.

And in the famous Act of Parliament concerning Treasons, the 25th of *Edward* III. my Lord *Coke* says, that by the King, against whom Treason is committed in that Statute, is meant the King in possession of the Throne, whatever his Right to it be. These, my Lord, are his own words, *This Act is to be understood of a King in possession of the Crown and Kingdom: for if there be a King Regnant in possession, although he be* Rex de facto & non Rex de Jure, *yet is He* Seignior le Roy *within the purview of this Statute. And the other that hath right and is out of possession is not within this Act. Nay, if Treason be committed against a King* de facto & non de Jure, *and after the King* de Jure *cometh to the Crown, He shall punish the Treason done to the King* de facto: *and a Pardon granted by a King* de Jure, *that is not also* de facto, *is void.*

*Coke's* Institutes, *Part.* 3. *ch.* 1. of High-Treason.

This is ſufficient to ſhew the ſence of our Laws in this caſe, and for its being agreeable to Reaſon to transfer our Allegiance in the Circumſtances mentioned, I have already in part proved this, and I think it may be fairly deduced further from the Writings of that great and excellent Caſuiſt Biſhop *Sanderſon*, whom all will allow to be a very competent Judge of the Dictates of Reaſon. Whoever will read his Caſe of the Engagement, may find a great deal to this purpoſe, but I intend only to inſiſt on what he hath delivered in his *Fifth Prælection* concerning *the Obligation of Conſcience*, where he diſputes for, and gives ſeveral reaſons for the paying obedience to the Laws, and ſubmitting to the Government even of an unlawful Uſurper; and he puts this very caſe, that *where any one, having driven away by violence the lawful Prince and true Heir of the Kingdom, or having oppreſt him ſo far as that he is unable to ſtand up for his own Right, doth, while the other is ſtill living, take the Government upon him, and act as King, when he is in reality rather an Uſurper than a King, and it is paſt doubt that downright Injury is done* [*to the oppreſſed Prince*]. *If it be askt*, (ſays he) *what I think a good Subject ſhould do in this caſe, who hath taken an Oath of Fealty to his lawful Prince, or if he have not taken ſuch an Oath, yet is as much obliged to the Prince, as if he had ſworn it; My opinion is, that it is not only lawful for a good Subject to pay obedience to the Laws made by him that has the Supreme Power only* de facto, *and not* de jure, *and to do what other things are commanded by him, (ſo that nothing baſe or unjuſt be commanded) but that it is neceſſary oftentimes for him to do theſe things, and that he ſhould be wanting to his own Duty if he did not* (x).

x *Prælectio 5ta de Oblig. Conſcientiæ. XV. p.* 176.

What

What I would gather from this Caſe, put by the Great Biſhop is, that if ſuch obedience be lawful, and very often neceſſary to one who is a meer Uſurper by unlawful Violence, the leaſt he would have determined in our circumſtances, muſt have been, that Obedience might lawfully be paid to our preſent King and Queen, who come to the Throne either by its being left empty by the laſt King, or by a lawful and juſt Conqueſt. And what the Biſhop has afterwards urged in the Caſe of his Violent Uſurper, that, notwithſtanding the obedience to him, *the Fealty due to the lawful Prince muſt be preſerved inviolate, and nothing done in prejudice of his Right*, can have no place here; ſince the late King fell perfectly from all Soveraigny here by deſerting his Government, and the Prince of *Orange* had a moſt juſt cauſe of War againſt him, and made as plain a conqueſt over him, neither of which can be brought within the Biſhop's Caſe: and therefore, if Subjects may, (to keep to the Biſhops Reaſons upon the Caſe) for their own ſakes, for the preſervation of their Lives and Eſtates, and for the Protection they receive under thoſe who have poſſeſſion of the Government, and for the Publick ſake, for the Trade and Commerce of the Nation upon which the Publick muſt ſubſiſt, live quietly under, and pay obedience to an uſurped Power; every one of theſe Reaſons is more forcible upon us to pay our Obedience to their Preſent Majeſties, who have Right of Juſt Conqueſt, Right of Lawful Succeſſion, and the Conſent and Recognition of the Nation in Convention on their ſide.

And as Reaſon has directed in ſuch circumſtances to transfer Obedience to the Conquerour, under whom we can live ſafe and in quietneſs, ſo does the Scripture it ſelf, the Beſt Rule we can deſire in our Caſe. As

the Scripture commands, under the greateſt Penalties, Subjection to the Supreme Power, ſo it does not put men upon the Rack about the Right of Governours, or upon examining who has or who has not the true Right to a Crown; but directs Obedience to the Powers in being, to thoſe who are in poſſeſſion of the Supreme Power, how ſmall ſoever their claim to it may be. This I can make evident, my Lord, from the Inſtances of ſome in the Old Teſtament, and of thoſe to whom our Lord *Jeſus* himſelf and his Apoſtles did ſo ſtrictly command Obedience in the New.

Upon the Death of *Joſiah* King of *Judah*, the People of *Judah* took *Jehoahaz*, who was the fourth and youngeſt Son of *Joſiah*, and anointed him, [which was done by the Chief Prieſt] and made him King in his Father's ſtead, ſetting aſide the Right of his Three Elder Brothers, 2 *Kings* 23. 30. Now that *Jehoahaz* was *Shallum* no one will doubt, that will compare this place out of the 2*d*. Book of *Kings* with *Jeremiah* 22. *Ver.* 11. and that *Shallum* was the youngeſt Son of four he can no more doubt that will conſult 1 *Chron.* 3. 15. In this Inſtance we do not find the Scripture condemn the peoples paying Allegiance to this Prince thus ſet up; but on the contrary, God calls upon them by the Prophet *Jeremiah*, (*Jerem.* 22. 10, 11, 12.) to *weep ſore for him that goeth away*, who was to return no more, nor ſee his Native Country; that is, to lament for their King *Shallum* or *Jehoahaz*, who was carried by *Pharaoh Nechoh* into *Egypt*, and was to die there.

After the Depoſition of *Shallum*, *Pharaoh Nechoh*, who was his Conquerour, made *Eliakim* King, whom he called by the name of *Jehoiakim*, tho' he was but the ſecond Brother: and no notice is taken of the eldeſt Brother *Johanan*, who, if he was then living, was

was certainly the true Heir to that Crown. This *Jehoiakim* reign'd eleven years, 2 *Kings* 23. 36. in the third whereof he was conquer'd by *Nebuchadnezzar* King of *Babel*, *Dan.* 1. 1. who afterward took him away, and set up his Son *Jehoiachin* or *Jeconia* or *Conia* in his stead. But he continued on the Throne but three Months, for *Nebuchadnezzar* came again and besieged *Jerusalem*, to whom *Jehojachin* surrendred himself, and was by him carried into captivity. Then *Nebuchadnezzar* made his Unkle *Zedekiah* King, who was the third of those four Brothers, 1 *Chron.* 3. 16. and he reigned near eleven years as King of *Judah*, while the eldest Brother *Johanan* was living, and the second Brother perhaps *Jehoiachim* in the *Babylonian*'s hands; without all doubt, if *Jehoiakim* was dead, his Son *Jehojachin* the right Heir and the true King was living, for we find him releas'd out of Prison after 37 Years, 2 *Kings* 25. 27. during all which time we never find God complaining of the peoples submitting and paying Allegiance to this King *Zedekiah* that was set up by *Nebuchadnezzar*; but we meet with *Jeremiah*'s Lamentation taken up for this very King, whom he calls, *The Breath of our Nostrils, the Anointed of the Lord*, (*Lamentations* 4. 20.) tho' he was made King, while the true King and Heir of that Crown was alive. Here we have a Subject made King, and set up against the true King by the Conquerour, whose power herein God did so far approve as to call *Zedekiah*'s defection from his Fealty to *Nebuchadnezzar* (*x*) (whose power over *Judah* was no more than what a Conquest and an unjust one too did give) a Rebellion, and to give him and all that belonged to him up to Destruction and Captivity for it. Whoever will reflect upon these Examples, will see how far the people were from being con-

(*x*) 2 Chron. 36. 13.

condemned, or diſcouraged from transferring their Allegiance to theſe four Kings: the firſt of which *Jehoahaz*, was ſet up by the People againſt the Right Line and before his Three Elder Brethren; the ſecond *Jehoiakim*, was by a Conqueror made King before his Elder Brother *Johanan*; the third *Jehoiachin*, was ſet up againſt his own Father; and the fourth was of a Subject made a King, while the True King and Rightful Heir was ſtill in being.

There is another thing very obſervable here, and that is about the Oaths taken to Kings, who were ſuch meerly by conqueſt. It was the manner of the Subjects of *Iſrael* and *Judah* to take Oaths of Obedience to their Kings, as one may very juſtly collect from that paſſage in *Eccleſiaſtes* 8. 2. where the Preacher adviſes *to keep the King's Commandment, and that in regard of the Oath of God*, that is, of the Oath of Obedience which the Subject had taken to the King. Now this Oath was ſworn, not only to King's of God's own appointment, or to their Hereditary Succeſſors, but to thoſe who had no other Title or Right than that of Conqueſt, when ſuch Conquerours requir'd it of them, tho' their own Princes were ſtill living. Thus *Nebuchadnezzar* made *Zedekiah* ſwear by God (2 *Chron.* 36. 13. with *Ezekiel* 17. 13.) to be faithful to him, while his own Prince *Jehojachin* was yet alive; and *Zedekiah* took Authority from *Nebuchadnezzar* to reign as King under him, which he continued to do according to his Oath for ſome Years, but afterwards rebell'd againſt the Conquerour. This Oath God did approve as lawful, and calls it **Mine Oath**, (*Ezek.* 17. 19.) and held himſelf obliged to puniſh the breach of it, as he ſhould have done if *Zedekiah* had taken it to *Jehojachin* himſelf, and had broke it, as he did the Oath in this caſe. This is plain from *Ezek.* 17. 15, 16, 18, 19. And

And for thoſe Kings in the New Teſtament to whom Allegiance is ſo ſtrictly commanded to be paid, it is moſt evident, that *Auguſtus*, and thoſe after him, were direct Uſurpers upon the People and Senate of *Rome*, having gained the Supreme Power into their hands by Craft and Arts, and chiefly by the aſſiſtance of the Soldiery, whoſe Right to diſpoſe of the Supreme Power over the People and Subjects of *Rome* I cannot hear that any man does maintain: and this was more particularly plain in the Advancement of *Nero* to the Throne by the Soldiery, whom his Mother *Agrippina* had tampered with againſt *Britannicus* the laſt Emperour's Son; and yet this is the very Emperour to whom St. *Paul* teacheth Obedience, under pain of damnation, for whom he exhorts the Chriſtians to put up Prayers and Supplications, that under him (who had no better Right to that Government than what I have juſt mentioned) they might lead quiet and peaceable Lives in all godlineſs and honeſty. Rom. 13. 1, 2. 1 Tim. 2. 1, 2.

Whoever, my Lord, will compare our preſent Caſe in *England*, with the Inſtances I have produc'd out of Scripture, cannot deny me, that Scripture does allow the transferring of Allegiance in the Caſe of Conqueſt from one Prince to another; ſome of the Inſtances do reach further, which ſhew the Command for, and the Practice of Obedience to, thoſe who had meerly the Poſſeſſion of the Government, but no manner of Right or Title to it.

And now, my Lord, I have diſpatch'd the Conſideration of all your Lordſhip's Commands, and of all I have been able to ſay in ſo narrow a Compaſs, and amidſt ſo many other neceſſary Avocations, upon this Subject; and yet I cannot conclude without examining a little their Reaſons and their Intentions, who are ſo little

little ſatisfied with ours, or with the preſent Settlement.

If the preſent Settlement of this Nation under their Majeſties does not give them ſatisfaction, and is ſuch as they cannot with a Conſcience ſubmit to; it muſt be becauſe they have ſworn Allegiance to another Perſon, to whom they believe it to be ſtill due, becauſe He is ſtill alive. If they find themſelves under ſuch an Obligation, then their Endeavours or at leaſt their Wiſhes ought to be, that the late King might be recalled to his Government; or that, if He be unfit for Government, a Regency might be ſetled by the Conſent of the Nation in Parliament, He ſtill retaining the Title of King. Theſe Methods are the only ones that either themſelves, or any one for them thinks can ſalve their Allegiance. But examin them ſingly, and ſee whether they can.

If the late King ſhould be recalled, either it muſt be upon Terms and Conditions, or it muſt be without them. To recal Him to his Government without Conditions, I never yet met, nor heard of one Proteſtant that was for it; but they all cry out, upon Terms, or not at all; upon Conditions, or we are all ruin'd in our Properties, and ruin our Religion. On Queſtion then I have to make to theſe Gentlemen, and it is, By what branch of their Oath of Allegiance they are impower'd to make Conditions with the King; and which of the Laws is it, that gives the Subjects ſuch an Authority over the King as to offer them? They are abſolutely againſt recalling or receiving the late King back without Conditions. If ſo, then I will ſuppoſe that equitable Conditions were offered the late King: and I can ſuppoſe very eaſily, that He will not be ſo obliged; but requires to be admitted into the Poſſeſſion of his Crown without any other Terms than the Oath He took at his Coronation, and the Promiſes He then made of defend-

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ing our Church and governing us by Law. In this caſe, upon their own grounds, theſe Gentlemen muſt reſolve to reſiſt his reſuming his Government, and muſt never admit him, if he will never condeſcend to Conditions; and then I would know of them what is become of the whole Oath of Allegiance, or the Obligation their Conſciences were formerly under by it. This Matter is too plain to need more words.

But ſuppoſe Conditions for his return were offered by the Nation, and accepted by Him, and that as ſoon as He was ſecure of his Throne, He forgot them all, as much as He did his Firſt Promiſe at Council-Board, and his Coronation-Oath; what muſt be done in this State, when the Nation will be in ten times worſe condition than it was this time twelvemonth, when his Diſpenſing Power, and Arbitrary Government were at the height; No Man can ſuppoſe Conditions of any worth, that have no ſecurity in them; and the leaſt they can have in this caſe muſt be, that if the King breaks them, then He forfeits the Benefit of them, to wit, his Reſtitution to his Government; and we, as well as He, ſhould immediately be in the very condition we were in upon his leaving or loſing the Government. That ſuch would be our condition inevitably, is the eaſieſt thing in the World to prove.

For 1*ſt*, No Conditions made for the ſecuring Property to the Subject, and the Proteſtant Religion to the Nation, can ſignifie any thing to Him who is governed wholly in all his Affairs by *French* Counſels, and by the Jeſuits, who are not truer Enemies to our Reformed Religion, than *French* Counſels to the Liberty and Property of Subjects.

But 2*dly*, His Religion is wholly inconſiſtent with our ſafety either in our Properties or in our Religion; and this we have had experience enough of, one would

think, already; too much, to make us fond of trying the Experiment over again. Let it but be conſidered, that by his Religion and by ſuch Power, He is obliged upon pain of forfeiting his Kingdoms, to extirpate Hereticks, to deſtroy every Proteſtant in *England*; and that by the Conditions made he will be at leaſt obliged to ſecure the Nation in their Proteſtant Religion, and in their Properties; and then I would ask ſuch a Perſon, what the beſt and the ſafeſt Conditions can avail in theſe circumſtances? If an Obligation to deſtroy us, and an Obligation to preſerve us, be inconſiſtent; and no Man in the world can perform both; I think the talk about Conditions ought to be at an end, ſince there is no way to bring theſe contradictions to agree.

The Wiſeſt Part, my Lord, of thoſe who are diſſatisfied do very eaſily ſee into the Vanity and Inconſiſtency of this Project about Conditions, and grant that they would be uſeleſs. And therefore ſince Conditions are vain, and that the late King was unfit for Government, They were for having a Regency ſet up during the late King's Life, He retaining only the Title of King; and this they thought would ſalve their Oaths to Him, and their Conſciences. But this cannot do the buſineſs, ſince it is plain that ſuch a Regency would have been as much againſt the Oath of Allegiance, as the preſent Settlement; and a ſubmitting to That would have been as direct a Violation of the Oath of Allegiance, as they ſuppoſe a ſubmiſſion to the preſent Settlement is.

To prove this then: By a Regency the King would have been diveſted of all Power, which the Regent muſt have been entruſted with; of the Revenue too, which muſt be annext to the Power where-ever that is lodg'd, becauſe by it the Regent muſt have been ſupported in the Exerciſe of his Power; He would have had no Command nor Authority left him, nothing but the bare

Title

Title of King, and to have all buſineſs run in his Name, though he have nothing to do with it. Now is not this as directly againſt the Oath of Allegiance as a thing can be? By the Oath, as long as it obliges, every one is bound to preſerve to the King and maintain his Crown and Dignity. By a Regency the King is diveſted of all his Power and Authority of making Laws, of having the Militia in his hands, and of the Adminiſtration of the Government, which are the chief, if not only the branches of Royalty of his Crown and Dignity. And yet theſe Gentlemen think that a Regency and their Oaths of Allegiance to the late King are conſiſtent; whereas by a Regency he is deprived of every thing but his bare Title, and by their Oaths of Allegiance they are bound to preſerve to Him every thing elſe as well as his Title. I can ſee no more oppoſition in the preſent Settlement to the Oath of Allegiance, than would have been in their Regency, ſince the Kingly Power of K. *James* is equally deſtroy'd by both; and Oaths do concern Matters of Subſtance and not meer Shadows, ſuch as the bare Title of a King is, where there is not the leaſt jot of power left. So that there is not any conſiderable difference betwixt the preſent Settlement, and their Regency, upon the Oaths account; and I wonder that ſo much ado ſhould be made, and much inſiſting upon Leaving to the late King the bare Title of King, whereas a Title is a thing of no worth; and if the Laws of St. *Edward* the Confeſſour might but be heard, this Controverſie about the meer Title would have fallen; ſince by them a King by miſgovernment, *verus nomen regis perdit*, forfeits the Title of King as well as the Power.

But I will ſuppoſe further, that this project of a Regency had taken, and that a Regent had been choſen for the late King's Life, I muſt now ask what they would done with the King himſelf? either They muſt have had him kept in ſafe cuſtody, or let him as he did, eſcape away. If they would have had him ſecured, I would fain know whether it had been conſiſtent with that Oath of Allegiance which they took to King *James*, and think themſelves obliged ſtill by. But if He was to be let go whether he would, and ſhould have got back into *England* with the ſame aſſiſtance by which He is now got into *England*, I ask them whether they ſhould not look

look upon themſelves as obliged to defend that Regency which was ſet up for the abſolute Good of the Nation, and to which they had ſworn Allegiance; and whether this would not have obliged Them to oppoſe King *James*, who was come to break the Regency; and, tho' all had judg'd him, and knew him unfit for Government, was yet for regaining it by force. Either They muſt, notwithſtanding his Unfitneſs for our Government, have quietly ſubmitted becauſe of their former Oath of Allegiance to Him, or they muſt in defence of the Regency have fought againſt the late King himſelf, notwithſtanding that former Oath to Him.

My Lord, if thoſe diſſatisfied Gentlemen who were for the Regency will but reflect upon what I have been able to ſay about it, I do not fear their being any longer of opinion that a Regency was the only way could ſettle the Nation in ſafety, and ſecure mens Conſciences in peace; and I hope They will for the future not be ſo ſharp and ſevere againſt the preſent Settlement, as contrary to our Oaths of Allegiance; ſince I have ſhewn, that their own Regency is every jot as much. I humbly beg of them, that they would examine things impartially, and lay by all prejudices upon other accounts, and then I am confident that they which did deſire and contend for a Regency notwithſtanding their late Oaths of Allegiance, will ſee reaſon to ſubmit to the preſent Settlement under their Majeſties, notwithſtanding thoſe very Oaths, which I am ſure are no more againſt the preſent Settlement than againſt their Regency.

I am afraid I have tired your Lordſhip, and muſt beg pardon for this tedious Letter; which, tho' it ſhould be ſo unhappy as to do no ſervice to any of thoſe perſons for whom it was deſign'd, yet will do my ſelf a great one, in being a Witneſs for me, how ready I am to obey your Lordſhip's Commands, and in giving me this further opportunity of aſſuring your Lordſhip how much I am,

*My Lord,*

*Your Lordſhip's moſt Obedient*

*and moſt Humble Servant,*

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